

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

E. XIONG,

Case No. 20-CV-2678 (NEB/BRT)

Petitioner,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

MERRICK B. GARLAND, ALEJANDRO
MAYORKAS, TAE D. JOHNSON,
MARCOS CHARLES, and KURT
FREITAG,¹

Respondents.

The Court has received the May 12, 2021 Report and Recommendation of United States Magistrate Judge Becky R. Thorson. (ECF No. 8.) No party has objected to that Report and Recommendation, so the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 8) is ACCEPTED; and

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Merrick B. Garland is substituted for Jeffrey A. Rosen, Alejandro N. Mayorkas is substituted for Chad F. Wolf, and Tae D. Johnson is substituted for Tony H. Pham.

2. Xiong's Petition for Writ of Habeas Corpus (ECF No. 1) is GRANTED as follows:

- a. The immigration judge must provide Xiong a bond hearing within 30 days of this Order;
- b. At this bond hearing, the immigration judge must make an individualized determination whether detention is necessary to protect the community or to prevent Xiong from fleeing; and
- c. At this bond hearing, the government shall bear the burden of proving Xiong presents a danger to the community or a flight risk by clear and convincing evidence.

3. Plaintiff's Motion to Expedite (ECF No. 11) filed June 17, 2021 is hereby MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 17, 2021

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge